

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

FILED
U.S. BANKRUPTCY COURT
2017 AUG 21 P 3:22
S.D. OF N.Y.

In re Paul Amelio

Case No. 15-12510 jlg
Chapter 13

Debtor.

**MOTION TO STRIKE, AS UNTIMELY, RESPONSE TO DEBTOR'S MOTION TO STAY
CONVERSION TO CHAPTER 11 PENDING APPEAL AND REQUEST FOR
ADJOURNMENT OF HEARING SCHEDULED FOR AUGUST 24, 2017**

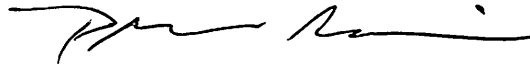
Comes Now the Debtor, Paul Amelio, Pro Se, and hereby requests the Court to Grant this Motion to Strike, As Untimely, Response to Debtor's Motion to Stay Conversion to Chapter 11 Pending Appeal and Request for Adjournment of Hearing Scheduled for August 24, 2017 and states the following:

1. Debtor, Paul A. Amelio filed a voluntary bankruptcy case under Chapter 13 of title 11 of the United States Code On September 9, 2015. The case was docketed as Case Number 15-12510.
2. On March 15, 2016, the Debtor filed an objection to Claim #7 filed by Wells Fargo challenging alleged creditor's standing.
3. On July 25, 2017, the Court issued an Order Denying the Debtor's Claim and allowing Wells Fargo's claim in full.
4. On August 8, 2017, Debtor timely filed a Notice of Appeal of the July 25, 2017 Order and a Motion for Stay pending his Appeal.
5. On August 8, 2017, the Court issued an order scheduling hearing Debtor's motion on August 24, 2017 at 10:00 AM with responses due by August 17, 2017, seven (7) days prior to hearing date.
6. On August 17, 2017, the alleged creditor filed untimely Response to Debtor's Motion at 16:02 PM and less than seven (7) days prior to hearing date, which Debtor did not receive on Pacer until late Friday, August 18, 2017.

7. Wells Fargo Bank, N.A. violated the court's order by not filing their response timely, seven (7) days prior to scheduled hearing, pursuant to the Rules of Court.
8. This Motion to Strike and Request for Adjournment is not intended to delay matters and will not harm the alleged creditor.

WHEREFORE, the Debtor requests this Court to Grant this Motion to Strike, As Untimely, Response to Debtor's Motion to Stay Conversion to Chapter 11 Pending Appeal and Request Adjournment of Hearing Scheduled for August 24, 2017 to a new hearing date on or after September 7, 2017 at 10:00 am, or at the Court's discretion, so Debtor can provide timely and adequate Reply to the alleged creditor's opposition to Debtor's Motion for Stay Pending Appeal.

Respectfully Submitted,



/s/ Paul Amelio August 21, 2017

Paul Amelio, Debtor Pro Se

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CERTIFICATE OF SERVICE

I hereby certify that on, August 21, 2017 a copy of

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was served electronically or by regular United States mail to all interested parties, the Trustee and all creditors on the attached creditor list below.

Respectfully Submitted,



/s/ Paul Amelio August 21, 2017
Paul Amelio, Debtor Pro Se

Via Electronically
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